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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,901	09/22/2003	Naozumi Sugimura	520.43142X00	7388
20457 7590 04/30/2008 ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873				
EXAMINER				
SHIBRU, HELEN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/664,901

Applicant(s)

SUGIMURA ET AL.

Examiner

HELEN SHIBRU

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-16 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-16 and 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

1. The amendments, filed 01/14/2008, have been entered and made of record.
Claims 11-16 and 19-22 are pending.

Response to Arguments

2. Applicant's arguments with respect to claim 11-16 and 19-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-16 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada (US PG PUB 20020135608) in view of Seo (US PG PUB 20040184780), and further in view of Nonomura (US Pat. No 6,574,419) and Kato (US PG PUB 2007/0286577).
5. Regarding claim 11, Hamada discloses an apparatus recording information on a tangible recording medium, the information comprising:
stream files including still pictures (see paragraphs 16; 70, 84, 126-1:28 and fig. 20); and
playlist files for which order still pictures and background music to be played (see paragraphs 0112, 0128, 0142, 0148, and 0181); and playlistmarks that correspond to the still pictures (see figs. 12, 18-19 and 30); wherein each of said play list files has one or more playitems and one or more subplayitems (see figs 2- 3), each of said playitems corresponds to one or more still pictures (see paragraph 0082 and 0111),

each of said playitems includes start information indicating a presentation start time for the still picture, end information indicating a presentation end time for a still picture, and presentation time of the still picture (see paragraph 0132, 0135-0136), each of said playitems corresponds to a BGM, each of said subplayitems includes start information indicating a presentation start time for the BGM, end information indicating a presentation end time for the BGM, and a presentation time of the BGM (see paragraphs 0090, 0099 and 0118), each playlis mark is associated with only one corresponding still picture (see fig. 18 and paragraphs 0116 and 0117).

Claim 11 differs from Hamada in that the claim further requires the BGM of the SubPlayItem and still pictures of the PlayItem are independently reproduced.

In the same field of endeavor Seo discloses a playlist area storing at least one sub-play item, the playitem providing navigation information indicating at least one still picture from a first file to reproduce still picture and the subplayitem providing navigation information for reproducing audio data from a second file (see claims 1, 10 and 13). Seo further discloses the audio data is reproduced in either a synchronized or unsynchronized fashion with the still image (see paragraph 0042). Therefore in light of the teaching in Seo it would have been obvious to modify Hamada by reproducing the sound and still picture independently in order to manage reproduction duration.

Claim 11 further differs from the proposed combination of Hamada and Seo in that the claim further requires the still pictures of the playitems and the BGM of the subplayitems are controlled without interrupting each other.

In the same field of endeavor Nonomura discloses control information which defines a reproduction order of a plurality of pieces of audio data and a display order of a plurality of still picture data. Nonomura further teaches the reproduction order of the plurality of audio and still picture data are defined separately by the reproduction control information. Nonomura further discloses still picture group is reproduced without any interruption in sound (see col. 26 lines 37-44 and col. 29 lines 9-20). Therefore in light of the teaching in Nonomura it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the proposed combination of Hamada and Seo by independently reproducing the audio and still picture in order to access both data separately.

Claim 11 further differs from the proposed combinations in that the claim further requires each of the said playlistmarks is provided at a beginning of each of said playlist files and at the beginning of each of said playitems.

In the same field of endeavor Kato discloses each of the playlistmarks is provided at a beginning of each of playlist files and at the beginning of each of playitems (see figures 2, 9, 11 and 12, and paragraphs 0028-0031). Therefore in light of the teaching in Kato it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above proposed combination by providing mark at the beginning of the playlist and each of the playitems in order to access the clip AV stream.

Regarding claim 12, Hamada discloses start information is in the format of IN_time and said end information is in the format of OUT_time (see fig. 3 and paragraph 0122).

Regarding claim 13-14, the limitations of claims 13-14 can be found in claims 11-12.

Therefore claims 13-14 are analyzed and rejected for the same reason as discussed in claims 11-12 respectively.

Regarding claim 15, Hamada discloses an information reproducing method for reproducing still picture information from a recording medium on which is recorded stream files including still pictures, playlist files which order Still pictures and background music to be played (see paragraphs 16, 70, 84, 126-128 and figs. 2-3 and 20), playlistmarks that correspond to the still pictures (see figs 12, 18-19 and 30) wherein each of said playlist files has one or more playitems and one or more subplayitems (see figs 2-3), each of said playitems corresponding to one or more still pictures and includes start information and end information (see paragraphs 0119, 0121, 0132-0133, 0135, 0090, 0105, and 0114), and each of said subplayitems corresponds to a BGM and includes start information, end information and presentation time for the BGM (see paragraphs 0990, 0142, 0114), and wherein each playlistmark is associated with only one corresponding still picture and with only one corresponding playlist (see paragraphs 0116, 0117 and fig. 18), said information reproducing method comprising the steps: detecting said start information and said end information (see paragraphs 0119, 0090, 0099, and 0114); controlling Said presentation time of said still pictures in accordance With said detected start information and end information (see paragraphs 0090, 0114, and figs. 22, 30-32).

Claim 15 differs from Hamada in that the claim further requires independently reproducing the still pictures of the playitems and BGM of the subplayitems.

In the same field of endeavor Seo discloses the separate audio file to be reproduced contains in-time information and out-time information. Seo further discloses the audio data is reproduced in either a synchronized or unsynchronized fashion with the still image (see

paragraph 0042). Therefore in light of the teaching in Seo it would have been obvious to one of ordinary skill in the art at the time the invention was made to control the sound independent from the stillpicture in order reproduction duration.

Claim 15 further differs from the proposed combination of Hamada and Seo in that the claim further requires the still pictures of the said playitems and the BGM of the subplayitems are independently reproduced on one or more output devices in which the said still pictures are freely changed (skip next or skip back) not interrupting the reproduction of said BGM.

In the same field of endeavor Nonomura discloses control information which defines a reproduction order of a plurality of pieces of audio data and a display order of a plurality of still picture data. Nonomura further teaches the reproduction order of the plurality of audio and still picture data are defined separately by the reproduction control information. . Nonomura further discloses still picture group is reproduced without any interruption in sound (see col. 26 lines 37-44 and col. 29 lines 9-20). Therefore in light of the teaching in Nonomura it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the proposed combination of Hamada and Seo by independently reproducing the audio and still picture in order to access both data separately.

Claim 15 further differs from the proposed combinations in that the claim further requires each of the said playlistmarks is provided at a beginning of each of said playlist files and at the beginning of each of said playitems.

In the same field of endeavor Kato discloses each of the playlistmarks is provided at a beginning of each of playlist files and at the beginning of each of playitems (see figures 2, 9, 11 and 12, and paragraphs 0028-0031). Therefore in light of the teaching in Kato it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify the above proposed combination by providing mark at the beginning of the playlist and each of the playitems in order to access the clip AV stream.

Claim 16 is rejected for the same reason as discussed in claim 2 above.

Regarding claim 19, the limitations of claim 19 can be found in claim 11 above. Therefore claim 19 is analyzed and rejected for the same reason as discussed in claim 11 above.

Regarding claim 20, the limitation of claim 20 can be found in claims 11 and 15. Therefore claim 20 is analyzed and rejected for the same reason as discussed in claims 11 and 15 above.

Regarding claim 21, Seo discloses independently repeating reproduction of the BGM of the sub play items, if there are additional still pictures of the play items to be reproduced (see paragraph 0042-0049).

Regarding claim 22, Hamada discloses playing one of a subsequent and last play list file on the recording medium (see fig. 38 and claim 15 rejection above).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/
Examiner, Art Unit 2621
April 21, 2008

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621

